

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Pierre Lemone Draper	:	Case No. 3:23-cv-148
Plaintiff,	:	Judge Walter H. Rice
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
Michael J. Newman et al.	:	
Defendant.	:	

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION OF JUNE 5, 2023, (DOC. #7) CAPTIONED CAUSE DISMISSED AS DUPLICATIVE; BOTH CERTIFICATE OF APPEALABILITY AND ANY FUTURE APPLICATION TO PROCEED *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY**

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Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge, in her Order and Report and Recommendation, a thorough review of this Court's file, as well as Case No. 1:23-cv-265, and, not least of all, the applicable law, and, further, noting that no objections have been filed to said judicial filing, this Court adopts said Order and Report and Recommendation in its entirety. The captioned cause is ordered dismissed as duplicative of Case No. 1:23-cv-265 and, additionally, for want of prosecution.

Given that jurists of reason would not find this Court's decision debatable, this Court denies an anticipated request for a certificate of appealability. Further, any appeal of this order would be objectively frivolous, and therefore, not in good faith. As a result, Petitioner would be denied any leave to appeal, untimely though it might be, *in forma pauperis*.

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DATE: 3-1-24

  
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**WALTER H. RICE**  
**UNITED STATES DISTRICT JUDGE**

c: Pierre Lemone Draper